

### REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

As a preliminary matter, Applicant notes the Office Action's consideration of the Information Disclosure Statement submitted on January 17, 2002.

Claims 5, 6, and 16 stand rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite. Claims 9 and 16 stand objected to for minor informalities. Claims 1-10 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,014,464 to Kurzweil et al. Claims 11 and 15 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

By this amendment, claims 1-10 and 16 have been canceled without prejudice to or disclaimer of the subject matter contained therein. Thus, any outstanding objections to or rejections of these claims have been rendered moot in view of their cancellation. Claims 11 and 15 have been rewritten in independent form. Claims 13 and 14 have been amended to correct minor informalities. Claim 12 has been amended to correct the insufficient antecedent basis issue noted by the Examiner and for proper dependence. Thus, withdrawal of the rejections to claim 12 and claims dependent therefrom, namely claims 13 and 14 is respectfully requested. New claims 17-24 have been added.

This amendment changes, adds, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier. Thus, claims 11-15 and 17-24 are presently pending in this application for consideration.

Applicant gratefully acknowledges the Office Action's indication that claims 11 and 15 would be allowable if rewritten in independent form. Although Applicant respectfully submits that the invention which is the subject matter of the rejected claims is patentable over the cited reference, Applicant at this time intends to pursue patent protection for those

objected to claims as described above. The rewriting of claims 11 and 15 in independent form is not meant to concede to the appropriateness of the rejection, but instead to merely expedite prosecution of the patent application. Therefore, Applicant submits that rewritten independent claims 11 and 15, and claims dependent directly or indirectly therefrom, namely claims 12-14 are allowable as well.

Regarding new claims 17-24, Applicant submits that new independent claim 17 is similar in scope to independent claim 11 and includes the patentable features recited in independent claim 11 in the context of a method claim. In addition, new independent claim 21 is also similar in scope to independent claim 11 and also includes the patentable features recited in independent claim 11 in the context of an apparatus claim reciting corresponding structural elements for the means-plus-function elements of independent claim 11. Accordingly, new independent claims 17 and 21 as well as new dependent claims 18-20 and 22-24 are patentably distinguishable over the cited reference.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.


Respectfully submitted,

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